



PATENT  
ATTORNEY DOCKET NO.: 051438-5002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Nadine BURTON et al. ) Confirmation No.: 8062  
Application No.: 10/712,265 ) Group Art Unit: 3761  
Filed: November 14, 2003 ) Examiner: M. Bogart  
For: MEDICAL VACUUM ASPIRATION ) **Mail Stop Amendment**  
DEVICE HAVING REMOVABLE )  
VALVE HOUSING (as Amended) )

Commissioner for Patents  
U.S. Patent and Trademark Office  
**Mail Stop Amendment**  
Alexandria, VA 22314

Sir:

**AMENDMENT TRANSMITTAL FORM**

1. Transmitted herewith is an Amendment in response to the Office Action dated August 5, 2008.
2. Additional papers enclosed.

- Request for Approval of Drawing Change  
 Submission of Formal Drawings  
 Information Disclosure Statement  
 Form PTO-1449, \_\_\_ references included  
 Citations

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

02/06/2009 AWONDAF1 00000103 500310 10712265

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- [ ] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.
- [X] Applicants petition for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

| <u>Total Months Requested</u>                    | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month               | \$ 130.00                | \$ 65.00                      |
| <input type="checkbox"/> two months              | \$ 490.00                | \$ 245.00                     |
| <input checked="" type="checkbox"/> three months | \$ 1,110.00              | \$ 555.00                     |
| <input type="checkbox"/> four months             | \$ 1,730.00              | \$ 865.00                     |

Extension of time fee due with this request: \$555.00.

If an additional extension of time is required, please consider this a Petition therefor.

- [ ] An extension for \_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

#### 4. Constructive Petition

- [X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

6. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |                                  |       |                             |               |  |            |
|---|----------------------------------|-------|-----------------------------|---------------|--|------------|
|   | Claims Remaining After Amendment |       | Highest No. Previously Paid | Present Extra | at Rate of                                     | Total Fees |
| Total Claims (37 C.F.R. §1.16(c))                     | 27                               | Minus | 28                          |               | x \$50.00 each=                                | + \$0.00   |
| Independent Claims (37 C.F.R. §1.16(b))               | 3                                | Minus | 3                           | 0             | x \$200.00 each=                               | + \$ 0.00  |
| [ ] First presentation of Multiple dependent claim(s) |                                  |       |                             |               | \$360.00                                       | + \$0.00   |
|   |                                  |       |                             |               | SUB-TOTAL =                                    | \$0.00     |
|   |                                  |       |                             |               | Reduction by 1/2 for filing by a small entity- | \$0.00     |
|   |                                  |       |                             |               | TOTAL FEE =                                    | \$0.00     |

7. Fee Payment

- [ ] No fee is to be paid at this time.
- [X] Please charge our Deposit Account No. 50-0310 in the amount of \$555.00 for the three-month extension of time fee.
- [X] The Commissioner is hereby authorized to charge any additional fees including fees due under 37 CFR §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
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Registration No. 39,887

Dated: February 5, 2009

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